



Questions & Answers

Field Citations and Water Resources Enforcement

The Department of Ecology will begin use of field citations in August, 1992 to assess penalties for violation of water resources laws. The field citations will provide Ecology with a resource-effective enforcement tool which gives on-the-spot responses to violators of water resource laws. The use of field citations will also increase Ecology's contacts with its regulated community, allowing the agency to provide technical advice and guidance when minor violations occur - a process that could help prevent some major violations.

Compliance with water resource laws is essential to Ecology's efforts to protect and manage Washington's water resource. Through use of this new enforcement tool Ecology anticipates an increase in compliance rates and a dramatic decrease in the average time necessary to complete enforcement cases.

Q: *What are field citations?*

A: Field citations are similar to traffic tickets. The citation usually addresses a clear-cut violation, often carries a small penalty, and provides for some type of appeal process.

Q: *What type of water resource violations will field citations be used for?*

A: Field citations will be used by authorized staff for enforcement of both water rights and well drilling regulations. They can be used to assess penalties and will only be used for specific violations, like:

- Failure to obey a previously issued order;
- Drilling a well without a well drilling license;
- Failure to submit a start card before drilling a well;
- Failure to follow minimum standards for well construction; and
- Unauthorized use of water.

Q: *How does Ecology's enforcement program work?*

A: Ecology encourages compliance of water resource laws through informal or formal enforcement actions:

- Informal enforcement action is taken to educate the public and encourage voluntary compliance. An example of an informal enforcement action is a warning citation which will outline the steps you must take to come into compliance and will state the consequences of your continued unauthorized use of water.
- Formal enforcement action is taken when voluntary compliance is not achieved or in the case of a more serious or repetitive violation. Ecology's Water Resources Program can issue regulatory orders, assess civil penalties, and suspend or revoke a well driller's license for well construction or



licensing violations. A well driller's license may be suspended for up to six months. Well drillers with revoked licenses must wait one year to apply for a new license and retest.

The maximum civil penalty for violation of a water resource rule, regulation, permit or order is \$100 per day for each separate violation. Unauthorized use of water that is willful and deliberate is a misdemeanor and is punishable by 30 days in jail and a maximum fine of \$250.

Q: *What is a regulatory order?*

A: A regulatory order directs violators to take certain actions within a specified time frame. Some examples of directives contained in an order may be to immediately cease improper drilling activity or to immediately cease and desist unauthorized use of water. Failure to comply with the directives of an administrative order may result in civil penalties or other actions. A field citation may be issued in conjunction with a regulatory order.

Q: *Can Ecology's enforcement actions be appealed?*

A: Yes. Administrative orders and penalty notices issued by Ecology are appealable to the Washington Pollution Control Hearing Board. Information concerning the appeal process can be found in the order or citation document.

Q: *How do I get more information?*

A: For more information about the use of field citations and how they may affect you, please contact the Department of Ecology regional office nearest you. Detailed information materials on water rights, water rights and well drilling enforcement are available upon request.

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or contact

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